

Appendix B:

Interviews with Victims Advocates

Interviews with Victim Advocates

Project staff conducted 30 to 90 minute scoping interviews with more than ten victim advocates during the fall of 2002. Those interviewed represented organizations suggested by Bev Emery, director of Washington State's Office of Crime Victims Advocacy, and by the victim advocates themselves as the interviews progressed. The purpose of these interviews was to obtain a broad, general and informal overview of issues, the system- and what community-based advocates see in relation to services provided (and not provided) to crime victims; an overview meant to partially fill in gaps in information resulting from the lack of formal research on victims nationally and in Washington State. The summary below is intended as a compendium of observations and ideas, not as a substitute for formal research and not as recommendations. A list of respondents appears at the end of this appendix.

Most interviews followed a set pattern, in which the interviewer asked the questions listed below. The responses, however, were wide-ranging and led in a variety of directions. Two of the interviews were conducted with groups of experts; the rest were with individuals.

While the roll-up below does not indicate how often specific issues surfaced, project staff were struck by the frequency with which victim advocates stressed these three points:

- 1) The victim services system in Washington State is at the developmental stage in which increased funding is necessary, largely to build infrastructure.
- 2) Results during the past decade show that the standard solutions of training, education and research are simply not enough to improve services to victims. Solutions must be found at the levels of accountability of judges, law enforcement officers, prosecutors and their staff, and probation caseworkers. Cross-jurisdictional cooperation must also be instituted.
- 3) Washington State is fortunate in the amount and quality of victim support expertise available, and in the quality of the state's relevant laws. In addition, the public wants victims to be supported. Hence there is every reason to believe that when victim support infrastructure is funded, good work will be done.

Interview Questions

- What are the one or two highest priority gaps, issues or problems facing crime victims in their relationships with Washington's juvenile or criminal justice systems?
- For each concern . . .
- Describe the gap, issue or problem.
- What victim groups does this concern directly affect?
- What specific steps could state and/or local governments take to address it?
- How would this solution benefit victims? Are there other groups of Washington State residents this solution would benefit?
- What obstacles would you anticipate in the way of your solution?
- What if anything, is already working well for crime victims in Washington State?

Roll-Up Summary of Interviews

Please note that within the lists of responses, specific issues, etc., do not appear in any particular order.

ISSUES

Protective Orders

Issue/s

- Gaps in the orders available for sexual assault victims

Possible Solutions Mentioned

- Facilitate discussions among key players including law enforcement, domestic violence and sexual assault advocates, court commissioner and clerks, prosecutors to develop policy recommendations

Inadequate Service Capacity: Coordination of information

Issue/s

- Protective orders sometimes conflict with each other; criminal judges cannot always access information about orders issued in civil cases quickly enough to make use of the information (and vice versa)

Possible Solutions Mentioned

- Better coordination between various computerized records and information systems

Access to Criminal Justice System

Issue/s

- Calls to 911 often a victim's first contact with criminal justice system: language barriers and policy decisions about length of calls affect access
- Lack of qualified interpreters (in all parts of criminal justice system, including law enforcement and courts)

Possible Solutions Mentioned

- Policies about access to translation and about length of calls should be more consistent across the state (with particular attention paid to domestic violence call policy)
- Training for officers in improving interviews with victims

Appropriate Identification of Primary Aggressor in Domestic Violence Cases

Issue/s

- Some data now indicates that women domestic violence survivors are being arrested and charged with DV-related crimes disproportionately to men
- Batterers have learned to manipulate the system
- Information relevant to identification and arrest of offenders to available across jurisdictions

Possible Solutions Mentioned

- Law enforcement education and departmental policy (must be a priority to respond effectively to domestic violence, so officers can spend enough time on each call and on case preparation)
- Training for law enforcement officers on identifying defensive wounds, better understanding of mandatory arrest law
- An internet-based database to share information across small non-compatible databases
- Perhaps changing wording of laws

Evidence-Based Prosecution Model

Issue/s

- Inadequate evidence collection

Possible Solutions Mentioned

- Training for law enforcement officers
- Policy decisions requiring adequate evidence collection

Judges

Issue/s

- Domestic violence may be viewed as a family matter rather than a pattern of violence
- Victim advocates for all types of crime find it difficult to access trainings and meetings of the judiciary

Possible Solutions Mentioned

- Training for judges in understanding domestic violence dynamics and perpetrators' tactics
- Assigning judges with relevant training to domestic violence cases
- Creating an electronic solution to the current difficulties in running an offender record check during sentencing

Relationship Between Civil and Criminal Justice Systems

Issue/s

- Barriers to sharing information quickly and easily
- Families may have proceedings going on in each system without any coordination
- Discrepancies between civil and criminal protective orders (see above)

Possible Solutions Mentioned

- Electronic links between civil and criminal systems

- Case workers to work with families who have simultaneous cases in each system

Inadequate Service Capacity: Underserved Victims⁵⁵

Issue/s

- There are few services available for victims of most types of crime. (The exceptions are domestic violence and sexual assault victims, although even these programs are far from meeting all needs of all victims.)

Possible Solutions Mentioned

- Programs and funding for domestic violence and sexual assault victims should be used as models to build programs for victims of other types of crime
- Funding (including direct funding from state), technical assistance, infrastructure, staff
- Comprehensive study to identify the scope and needs
- State agencies do more public awareness and outreach efforts for those services that do exist
- Expand Washington State's Office of Crime Victims Advocacy national and state resource database

Time Lags in Evidence Processing and Evaluation

Issue/s

- Long time-lags in processing evidence in cases lead to prolonging the experience for the victim

Possible Solutions Mentioned

- Increase evidence processing capacity

Inadequate Service Capacity: No enforcement mechanism to protect victims rights

Issue/s

- Although Washington State law lists the rights of crime victims, a way to legally enforce these rights does not exist

Possible Solutions Mentioned

- Granting authority to an ombuds program, perhaps located within state government, with authority to enforce victims rights

Inadequate Service Capacity: Statewide hotline

Issue/s

- No statewide hotline or statewide ability to respond to victims (except victims of domestic violence)

Possible Solutions Mentioned

- Institute hotline

Inadequate Service Capacity: System-based victim advocates

Issue/s

- Victim services programs in prosecutors' offices around state very understaffed, and offer help during limited hours
- Victims are not receiving enough information about the cases in which they are involved, including basic information such as whether or not charges will be filed, and why
- There is a need for system-based advocacy services in languages other than English
- Court facilities often not comfortable or safe for victims (victim and supporters may wait in the same room as the offender before a trial begins, for example)

Possible Solutions Mentioned

- Increase funding, hold prosecutors accountable for victim services

Public Awareness: Seriousness of Specific Crimes, and of Crime in General

Issue/s

- Public not adequately educated about the experiences of victims, and about the present inadequacies of the system

⁵⁵ One respondent referred us to the recommendations in the following report: Washington State Office of Crime Victims Advocacy, Washington State Department of Community, Trade and Economic Development. 2002a. Task Force Report on Underserved Victims of Crime. Olympia, Washington. [Online] Available: <http://www.ocva.wa.gov/CVC%20Final%20Report.htm>. Accessed: May 13, 2003.

Possible Solutions Mentioned

- Education of public about more than crime statistics; the full effects of crime on the victim; gaps in present system

Holding Offenders Accountable: Restitution

Issue/s

- Present policy does not cover restitution for what the victim has actually lost.
- Collecting restitution is currently problematic (chances of actually collecting are low, efforts are fragmented across jurisdictions)

Possible Solutions Mentioned

- Privatize collection and provide contractors with training in working with victims
- Assign collection to a victim-focused public agency

Holding Offenders Accountable: Appropriate sentences for offenders

Issue/s

- Rehabilitation for offenders with drug and/or alcohol problems
- Appropriate sentences for vehicular homicide

Possible Solutions Mentioned

- Change vehicular assault and homicide sentences comparable to other similar charges

Juvenile System

Issue/s

- Lack of appropriate law enforcement response in juvenile cases (don't always arrest when indicated)
- Judges, prosecutors and others are not screening and assessing to identify juvenile offenders or juvenile victims

Possible Solutions Mentioned

- Training for officers and others in screening and assessing, and in listening to and taking victims seriously
- Responsive policy decisions

RESPONSES TO THE QUESTION, "WHAT IS GOING RIGHT?"

- Prevention efforts (such as healthy men campaigns) are much better than they used to be.
- Some good court-based advocacy efforts for domestic violence victims are taking place in King County (though there are still continuing needs in this area).
- Some law enforcement officers are thorough, respectful, and prepare evidence carefully in domestic violence cases.
- Some judges do adequately hold domestic violence offenders accountable.
- Victim notification of release of offender, by jails in King County, happens smoothly.
- Collaboration between system- and community-based advocates takes place.
- Two decades of hard work have produced a great deal of expertise in victim advocacy and support, in this state; when and where infrastructure receives funding, good work can be done.
- Washington State can be proud of its accomplishments regarding strengthening victims rights and services statewide over the past 30 years. In fact, the state is a model for the rest of the United States.
- The victim advocacy community as a whole has done a superb job of grassroots collaboration to continually work to improve public policy in the areas of victims' rights and services.

PEOPLE INTERVIEWED

Kevin Eilmes, Senior Supervising Attorney
Juvenile Division
Yakima County Prosecuting Attorney's Office

Nan Stoops, Director
Washington State Coalition Against Domestic Violence

Kelly Starr, Fatality Review Program Coordinator
Washington State Coalition Against Domestic Violence

Leigh Hofheimer, Program Coordinator
Washington State Coalition Against Domestic Violence

Susanne Guinn, Director of Victim Services
MADD Washington State

Meg Crager, Consultant

Suzanne Brown, Executive Director
Washington Coalition of Sexual Assault Programs

Kym Anderson, Law Enforcement Training Coordinator
King County Department of Judicial Administration

Eileen O'Brien
Victim Witness Assistance
Pierce County Prosecuting Attorney

In addition, staff attended a board meeting of the Washington Coalition of Crime Victim Advocates.